



**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Assistant Secretary for Communications**  
**and Information**  
Washington, D.C. 20230

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Federal Communications Commission  
Office of the Secretary

ET Docket No. 92-9

May 4, 1992

The Honorable Alfred C. Sikes  
Chairman  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, D.C. 20554

92-9

Dear Mr. Chairman:

I am writing to convey NTIA's support for expeditious pursuit by the Commission of its emerging technologies proceeding (ET Docket No. 92-9). NTIA believes the Commission has developed a reasonable range of proposals for accommodating new and innovative telecommunications technologies. We also believe that the record compiled in this proceeding may well suggest other alternatives or variations that the Commission may want to consider. NTIA looks forward to filing comments that explain our views on the substantive issues raised in this proceeding. As the Commission recognized in its Notice of Proposed Rule Making, finding spectrum for emerging technologies involves difficult trade-offs, including, potentially, adjustments to existing operations of spectrum users and reasonable accommodations of those users' needs by new entrants.

NTIA thus opposes the Petition to Suspend Proceeding (the petition) filed by the Association of American Railroads, the Large Public Power Council, and the American Petroleum Institute. The petition asks the Commission to "suspend...and hold this rulemaking proceeding in abeyance" pending an examination of the availability of federal government spectrum in the 1710-1850 MHz and 2200-2290 MHz bands. NTIA believes that suspension of the proceeding would not be in the long-term interests of the U.S. telecommunications industry or U.S. consumers. This proceeding will help provide U.S. emerging technologies with the spectrum necessary to support future developments and the opportunities to lead technological progress around the world. A Commission proceeding of this magnitude and complexity will, even under the best of circumstances, take a substantial amount of time to complete. Stopping the proceeding in its tracks at this time, as requested by the petition, would simply add unnecessary delay to what already will likely be a lengthy process.

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On the other hand, NTIA appreciates the important role that the fixed microwave networks of the petitioners play in ensuring the reliability and efficiency of their critical transportation and energy-related operations. NTIA also understands the very natural interest of the petitioners in suggesting that bands other than the ones they use, such as federal government bands, be included in the reallocation process the Commission has proposed. NTIA has recently examined federal government spectrum use in the 1710-1850 MHz and 2200-2290 MHz bands, and is actively reviewing alternatives to determine the operational problems that fixed microwave users face in light of the Commission's proposals and what, if any, accommodations of their needs can be made in spectrum now allocated to the federal government. However, this review can take place as the proceeding continues, and we will work with the Commission to accomplish this goal.

As the Commission considers the petition, it should be aware that the petition misinterprets some of the data presented in NTIA's draft report entitled "Federal Spectrum Usage of the 1710-1850 and 2200-2290 MHz Bands." The petition contends that the draft report shows government frequencies located in the 1710-1850 MHz and 2200-2290 MHz bands (230 MHz of spectrum) are vastly underutilized compared to the 220 MHz of spectrum between 1850-2200 MHz targeted for reallocation under the Commission's proposal. The draft report does not conclude that federal government spectrum in those bands is underutilized.

We note initially in this regard that the draft report only describes systems that are used in an unclassified manner. Those systems are not the only uses in these bands, and no conclusion about relative utilizations can be made on the basis of those systems alone.<sup>1/</sup> While the petitioners acknowledge this point in a footnote,<sup>2/</sup> they largely ignore it when making their arguments.

Moreover, even considering only the unclassified uses included in the draft report, the data, when properly analyzed, does not support some of the conclusions made in the petition. For example, citing the NTIA draft report, the petition claims that

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<sup>1/</sup> We must also note that the 2200-2290 MHz band has been deemed not available to commercial users for national security reasons. Letter to William Torak, Deputy Chief, Spectrum Management Division, Federal Communications Commission, from William D. Gamble, Deputy Associate Administrator, Office of Spectrum Management, NTIA, July 22, 1985, citing Secretary of Defense Weinberger's notification to Secretary of Commerce Baldrige that the use of the frequency band 2200-2290 MHz by non-government entities would be detrimental to U.S. national security interests.

<sup>2/</sup> Petition to Suspend Proceeding at 6, n.8.

the two federal government bands only support operation of 7,790 facilities, compared to 29,116 facilities in the commercial bands around 2 GHz. An important difference not taken into account in the petition is that the private sector bands at issue are used exclusively by fixed microwave systems, while the two federal government bands are used by fixed microwave, aeronautical mobile, and satellite systems. The government's 1710-1850 MHz band is used for national defense, power distribution, resource management, safety, law enforcement, satellite control, air combat training, and military area-wide command and control systems. These aeronautical and satellite systems require larger geographic separation between systems than between point-to-point fixed microwave links, and hence fewer of these systems can be supported in a given frequency band.

Furthermore, an NTIA assignment or a Commission license for a fixed station generally is for only one transmitter. Assignments for mobile services, however, do not reflect the number of transmitters associated with each assignment because a mobile assignment could consist of many transmitters, similar in concept to the Commission's fleet licenses. A more valid comparison would be the number of transmitters operating in the federal government 1710-1850 MHz band and the adjacent, identically-sized 1850-1990 MHz private microwave band. The federal government has 5,539 assignments in the 1710-1850 MHz band, representing an estimated 12,000 transmitters. Of these, almost 5,000 are fixed transmitters (one transmitter per assignment), and the remaining 7,000 are composed of approximately 3,000 area-wide transportable transmitters, approximately 4,000 mobile transmitters, 333 space command link transmitters, and 172 experimental transmitters. In contrast, the 1850-1990 MHz private microwave band contains about 9,300 transmitters.<sup>3/</sup> Thus, there are about one-third more transmitters in the federal government band than in the adjacent commercial band.

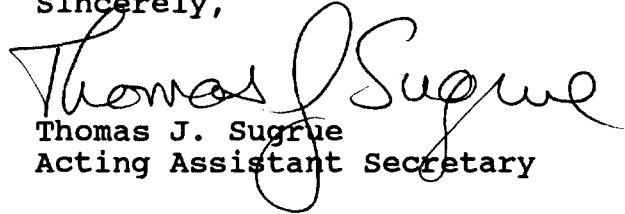
The petition requests that the Commission's Office of Engineering and Technology (OET) conduct an examination of the facilities in the government 2 GHz band, as well as the communications requirements of existing licensees -- in the same manner that OET did for commercial spectrum. As the manager of the federal government spectrum, NTIA is the competent authority for such an analysis. In coordination with affected government agencies, NTIA will continue working with the Commission to consider ways to meet the valid needs of commercial operators currently using the frequencies at issue. NTIA will also continue reviewing the federal government use of the spectrum under NTIA's jurisdiction.

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<sup>3/</sup> Federal Communications Commission, Office of Engineering and Technology, Creating New Technology Bands for Emerging Telecommunications Technology, OET/TS 92-1, January 1992, p. 8.

NTIA therefore strongly urges the Commission not to suspend the current emerging technologies proceeding. Rather, the Commission should continue with its proceeding as it considers the substantive issues that the petition raises.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Sugrue". The signature is fluid and cursive, with the first name "Thomas" and last name "Sugrue" clearly legible. It is positioned above the printed name and title.

Thomas J. Sugrue  
Acting Assistant Secretary

cc: Commissioner James H. Quello  
Commissioner Sherrie P. Marshall  
Commissioner Andrew C. Barrett  
Commissioner Ervin S. Duggan  
Secretary Donna Searcy